

## REMARKS

### **Claims Rejections - 35 USC §102(b)**

The Office rejected claims 33, 37-38 under 35 U.S.C. 102(b) as being anticipated by Renaud (US 3,961,716). A rejection based on anticipation requires that a single reference teach every element of the claim (MPEP § 2131). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Or stated in another way, a "claim is anticipated only if each and every element as set forth in the claim is found, . . . described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The applicant has amended claim 33 to include the subject matter of claim 40, stated by the Office to be allowable if restated in independent form. The applicant respectfully submits that this amendment cures this rejection and that claims 33, 37-38 are now in condition for allowance.

### **Claim Rejections – 35 USC § 103**

The Applicant herein cancels claims 1 and 6-9. As these claims have been canceled, no grounds remain for the Office's rejection under 35 USC § 103.

### **Telephone Interview**

Present Office policy places great emphasis on telephone interviews initiated by the examiner. For this reason, it is not necessary for an attorney to request a telephone interview. Examiners are not required to note or acknowledge requests for telephone calls or state reasons why such proposed telephone interviews would not be considered effective to advance prosecution. However, it is desirable for an attorney to call the examiner if the attorney feels the call will be beneficial to advance prosecution of the application. MPEP§408

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,

**/Andrew P. Cernota, Reg. No. 52,711/**

Cus. No. 24222  
Maine & Asmus  
PO Box 3445  
Nashua, NH 03061-3445  
Tel. No. (603) 886-6100, Fax. No. (603) 886-4796  
Patents@maineandasmus.com

Vernon C. Maine, Reg. No. 37,389  
Scott J. Asmus, Reg. No. 42,269  
Andrew P. Cernota, Reg. No. 52,711  
Kristina M. Grasso, Reg. No. 39,205  
Attorneys/Agents for Applicant